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DAVID GRAHAM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID GRAHAM,

Plaintiff,

v.

SIEMENS MEDICAL SOLUTIONS USA,
INC.; LAURA TIMMONS; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 2:21-cv-00768-TLN-JDP

**STIPULATION TO REMAND
REMOVED ACTION; ORDER
THEREON**

Action Filed: March 12, 2021
Action Removed: April 28, 2021

Plaintiff David Graham (“Plaintiff”) and Siemens Medical Solutions USA, Inc. and Laura Timmons (collectively “Defendants”) stipulate as follows:

1. On March 12, 2021, Plaintiff filed a Complaint in the Superior Court of the State of California, County of Sacramento, entitled DAVID GRAHAM, v. SIEMENS MEDICAL SOLUTIONS USA, INC.; LAURA TIMMONS; and DOES 1 through 50, inclusive, designated as Case No. 34-2021-02296472-CU-OE-GDS (the “Complaint”). There is no dispute at this time that this complaint was properly filed and served upon Defendants along with all appropriate accompanying documents in conformity with the

California Code of Civil Procedure.

2. On April, 28 2021, Defendants filed with this court a Notice of Removal alleging Diversity Jurisdiction. In sum, Defendants argue that a California Labor Code section 1102.5 claim cannot be alleged against Ms. Timmons, an individual, and therefore this Court has jurisdiction under diversity. There is no dispute at this time that the Notice of Removal and appropriate accompanying documents were properly filed and served on all required parties in conformity with the Federal Rules of Civil Procedure including Notice to the Sacramento Superior Court.
3. Following service of the Notice of Removal the parties met and conferred. Though the parties do not agree on whether a Labor Code section 1102.5 claim can be asserted against an individual, the parties agree that in the interest of judicial economy this case should be remanded to California Superior Court, County of Sacramento.
4. Therefore, all Parties hereby stipulate that the above entitled action be remanded to California Superior Court, County of Sacramento. By signing below, Defendants hereby consent to the jurisdiction of California Superior Court, County of Sacramento of this action.
5. The parties hereby stipulate that the Defendants do not need to file a responsive pleading in this Court, pending remand to California Superior Court. Once remanded, Defendants will file a responsive pleading pursuant to the California Code of Civil Procedure.
6. The parties further stipulate that each party shall bear its own costs and attorneys' fees with respect to the removal, stipulation, and remand of the above entitled action. Nothing in this paragraph shall be construed as limiting any party's entitlement to attorneys' fees or costs available under any appropriate statute or court order.

Date: May 4, 2021

By: /s/ Daniel T. Newman
LAWRANCE A. BOHM, ESQ.
ZANE E. HILTON, ESQ.
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Date: May 4, 2021

By: /s/ Richard R. Gray (as authorized 5/4/21)

Richard R. Gray, Esq.
Douglas Ropel, Esq.
Attorney for Defendants,
SIEMENS MEDICAL SOLUTIONS
and LAURA TIMMONS

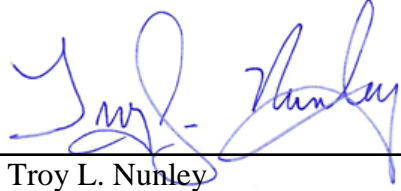
ORDER

On May 4, 2021, the parties in the above-referenced action filed a Stipulation to Remand the Removed Action. The Court having reviewed the stipulation and good cause appearing, orders as follows:

1. The Parties' Stipulation is approved
2. Eastern District of California case number 2:21-cv-00768-TLN-JDP, short title *Graham v. Siemens Medical Solutions, et al.*, is hereby remanded to Sacramento County Superior Court.
3. Each party shall bear its own costs and fees.

IT IS SO ORDERED

Dated: May 5, 2021


Troy L. Nunley
United States District Judge